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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/902,516	07/10/2001	Bo Lindell	34649-450PT	7418
7590	07/28/2005		EXAMINER	
JENKENS & GILCHRIST, P.C. 3200 Fountain Place 1445 Ross Avenue Dallas, TX 75202-2799				KNOWLIN, THJUAN P
		ART UNIT	PAPER NUMBER	2642

DATE MAILED: 07/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/902,516	LINDELL, BO	
	<b>Examiner</b>	<b>Art Unit</b>	
	Thjuan P. Knowlin	2642	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 09 May 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-26 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-26 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 10 July 2001 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) All    b) Some \* c) None of:
      1. Certified copies of the priority documents have been received.
      2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
      3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>07/09/02</u> | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's amendment filed on May 09, 2005 has been entered. Claim 1 has been amended. No claims have been cancelled. No claims have been added. Claims 1-26 are still pending in this application, with claims 1 and 13 being independent.

### ***Claim Rejections - 35 USC § 102***

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1-6, 8-9, 13-19, and 21-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Bouvier et al (US 6,430,276).

4. In regards to claims 1 and 13, Bouvier discloses a method of selecting an access network from among one or more access networks (See Fig. 1, Public Internet 30, Private Intranet 20, and Extranet 40) capable of providing service to a mobile communication station (See Abstract, col. 2 lines 14-28, and col. 4 lines 55-59), the method comprising: receiving a request for access to an access network, said request including at least one service requirement (See col. 5 lines 1-5 and col. 6 lines 25-34); determining an availability of each of at least one access network based on said at least one service requirement (See col. 9-10 lines 57-11); selecting, by the mobile communication station, based on one or more user preferences, an access network determined to be available from said at least one access network; and accessing said

selected access network (See col. 6 lines 43-49, col. 7 lines 29-61, and col. 10 lines 4-11).

5. In regards to claims 2 and 15, Bouvier discloses the method and mobile communication station, further comprising selecting a service type in said selected access network based on said user preferences (See col. 6 lines 43-49 and col. 7 lines 29-61).

6. In regards to claims 3 and 16, Bouvier discloses the method and mobile communication station, further comprising retrieving said user preferences from a user profile (HLR and VLR) stored in said mobile communication station (See col. 2 lines 29-35).

7. In regards to claims 4 and 17, Bouvier discloses the method and mobile communication station, further comprising retrieving said user preferences from a subscriber identification module (See col. 2 lines 29-35, col. 6 lines 30-34, and col. 6 lines 43-46).

8. In regards to claims 5 and 18, Bouvier discloses the method and mobile communication station, further comprising manually entering said user preferences via a man-machine interface (See col. 8 lines 55-57).

9. In regards to claims 6 and 19, Bouvier discloses the method and mobile communication station, wherein said user preferences include a lowest service cost (tariff) (See col. 5 lines 10-14, 7 lines 29-38, and col. 10 lines 4-11).

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10. In regards to claims 8 and 22, Bouvier discloses the method and mobile communication station, wherein said determining step includes continuously scanning a broadcast pilot signal from each access network (See col. 10 lines 4-11).

11. In regards to claims 9 and 23, Bouvier discloses the method and mobile communication station, wherein said determining step includes estimating a status of said mobile communication station within each access network (See col. 2 lines 14-35 and col. 10 lines 4-11).

12. In regards to claim 14, Bouvier discloses the mobile communication station, wherein said software program is further configured to report said access network selection information to said application (See col. 7 lines 39-47).

13. In regards to claim 21, Bouvier discloses the mobile communication station, wherein said software program is configured to allow said application to select an access network based on said availability of said access networks (See col. 10 lines 4-11).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 7, 10-12, 20, and 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bouvier et al (US 6,430,276).

15. Bouvier discloses all of claims 7, 10, 11, 12, 20, 24, 25, and 26 limitations, except the method and mobile communication station, wherein said user preferences include a minimum power consumption, bit rate requirement, maximum transfer delay, and maximum frame error rate. Examiner takes official notice that these user preferences are well known in the art. They are often used as a way of allowing the user to minimize power usage and to reduce the amount of error within a system, therefore, providing a more user friendly method of accessing a particular network.

#### ***Response to Arguments***

16. Applicant's arguments filed 05/09/05 have been fully considered but they are not persuasive. Applicant argues that Bouvier fails to teach or suggest a method of selecting an access network from among one or more access networks capable of providing service to a mobile communication station in which the selection of an access network based on one or more user preferences is by a mobile communication station. Examiner respectfully disagrees with this argument. Bouvier does teach and suggest a method of selecting an access network from among one or more access networks capable of providing service to a mobile communication station in which the selection of an access network based on one or more user preferences is by a mobile communication station (See col. 6 lines 43-49, col. 7 lines 29-61, and col. 10 lines 4-11). Applicant further argues that Bouvier contains no teaching or suggestion of a mobile communication station having a processing unit capable of executing a software program that is configured to determine an availability of each access network based on

at least one service requirement and select and access network from the available access networks based on one or more user preferences. Bouvier, however, does teach and suggest a mobile communication station (See col. 2 lines 14-28) having a processing unit capable of executing a software program that is configured to determine an availability of each access network (See col. 9-10 lines 57-11) based on at least one service requirement (See col. 5 lines 1-5 and col. 6 lines 25-34) and select an access network from the available access networks (See Fig. 1, Public Internet 30, Private Intranet 20, and Extranet 40) based on one or more user preferences (See col. 6 lines 43-49, col. 7 lines 29-61, and col. 10 lines 4-11).

### ***Conclusion***

17. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

18. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thjuan P. Knowlin whose telephone number is (571) 272-7486. The examiner can normally be reached on Mon-Fri 8:30-5:00pm.

20. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (571) 272-7488. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

21. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thjuan P. Knowlin

*Benny Q. Tieu*

BENNY TIEU  
PRIMARY EXAMINER

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